

IN THE UNITED STATES DISTRICT COURT FOR THE **FILED**
EASTERN DISTRICT OF OKLAHOMA

JAN - 2 2008

RICHARD LEE LEWIS,

Plaintiff,

v.

CRYSTA PINK, et al.,

Defendants,

By William B. Guthrie
Clerk, U.S. District Court
Deputy Clerk

No. CIV 07-433-RAW-SPS

OPINION AND ORDER
DENYING LEAVE TO PROCEED IN FORMA PAUPERIS

Plaintiff, an inmate incarcerated at Oklahoma State Penitentiary in McAlester, Oklahoma, has filed a motion for leave to proceed *in forma pauperis* in this civil rights action. He alleges in his complaint that the defendants have unconstitutionally deprived him of his personal television set and have prevented him from exhausting his administrative remedies for his claim.

Plaintiff's complaint omits all references to his prior lawsuits, and he has written "N/A" in the section of the complaint where he is directed to list all previously dismissed actions or appeals. The court's records, however, indicate plaintiff has filed at least four other civil rights actions that were dismissed by this court as frivolous: *Lewis v. Keating*, No. CIV 02-284-FHS (E.D. Okla. Oct. 30, 2003); *Lewis v. Steward*, No. CIV 02-432-FHS (E.D. Okla. Sept. 25, 2003); *Lewis v. Wright*, No. CIV 02-523-FHS (E.D. Okla. Mar. Mar. 11, 2004); and *Lewis v. Mullin*, No. CIV 02-599-FHS (E.D. Okla. Feb. 18, 2004).

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that

it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical harm.

28 U.S.C. § 1915(g). Here, plaintiff clearly has accumulated more than three "strikes" under § 1915(g), and he admits in his complaint that he is not in imminent danger of serious physical injury.

ACCORDINGLY, plaintiff's motion for leave to proceed *in forma pauperis* [Docket #2] is DENIED. Plaintiff is directed to forward the \$350.00 filing fee to the Court Clerk within twenty (20) days. The agency having custody of plaintiff is ordered to release funds from plaintiff's accounts, including plaintiff's trust account, for payment of the filing fee. Failure to comply with this order will result in dismissal of this action.

IT IS SO ORDERED this 2nd day of January 2008 ~~December 2007~~.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE